

# **Committee on Energy and Commerce U.S. House of Representatives**



**Third Quarter Report**  
October 5, 2011

## MEMORANDUM

TO: Republican Members, Committee on Energy and Commerce  
CC: Speaker Boehner, Majority Leader Cantor, Majority Whip McCarthy, Conference Chairman Hensarling, and Policy Committee Chairman Price  
FROM: Fred Upton, Chairman, Committee on Energy and Commerce  
DATE: October 5, 2011  
RE: Third Quarter Report

Colleagues, congratulations. Thanks to your hard work, we are advancing an agenda that is preserving American jobs, bolstering our economy, and keeping the Obama administration from recklessly jeopardizing our individual freedoms.

We began this year with a clear recognition that jobs are job one. The economy is struggling; families are hurting, and they are looking to us for leadership. I'm pleased to report that in the last nine months, our team has risen to the challenge. Time and again, we advanced bills through this Committee and the full House that will protect jobs needlessly put at risk and help to create new ones. We exercised rigorous oversight to root out waste, fraud, and abuse and ensure government is held accountable. And we have taken meaningful steps to restore fiscal discipline, proposing significant deficit reduction and working to reduce the size and scope of the federal bureaucracy. That is the good news. But as you know, our efforts have been met with resistance, and too few have cleared the Senate to reach the president's desk.

We are disappointed but not deterred. This week, we are bringing to the House floor two key proposals in the GOP fall jobs agenda that have significant bipartisan support. Last week, the president signed into law bipartisan legislation that cleared the House and Senate unanimously to continue a key medical research initiative. And as one of our final acts before returning to our districts in August, we cleared an essential consumer product safety package to protect jobs – a bill quickly signed by the president.

Despite all the roadblocks, we continue to accrue accomplishments on behalf of the American people. In the first nine months of the year, we held nearly 100 hearings. Each of our six Subcommittees outlined a bold pro-jobs agenda and pursued it with gusto, and I want to thank our Chairmen for taking the ball and running with it. In that same period of time, the Full Committee approved 24 bills or resolutions, following regular order to allow Members to vet legislation through hearings, Subcommittee markups, and Full Committee markups. Our Committee has been home to robust and open debate, with 144 amendments debated in the Full Committee and our Subcommittees. A total of 12 Energy and Commerce bills have passed the House under a Rule, and five more cleared the chamber under suspension of the rules. In my humble opinion, **we are the workhorse Committee** of the U.S. House of Representatives, and I am grateful for your hard work that allows us to claim that mantle.

### Snapshot: Energy and Commerce Committee By the Numbers in the First Nine Months of 2011

- Nearly 100 hearings
- 24 bills approved by the Full Committee
- 144 amendments debated in the Full Committee and Subcommittees
- 12 Energy and Commerce bills approved by the House under a Rule
- 5 Energy and Commerce bills approved by the House under suspension of the rules

Please find below a Subcommittee-by-Subcommittee snapshot of our progress.

## Subcommittee on Commerce, Manufacturing, and Trade

Chairman Mary Bono Mack has done an outstanding job as our leader on the Commerce, Manufacturing, and Trade Subcommittee, with Rep. Marsha Blackburn as Vice Chairman. Just before the August recess, Mary put together a package of reforms to the flawed Consumer Product Safety Improvement Act (CPSIA) that whistled through the House under suspension of the Rules, and was then passed by the Senate and signed into law. The legislation made immediate and targeted changes to a flawed 2008 law – without those reforms, potentially billions of dollars worth of safe goods would have been pulled from store shelves beginning on August 15. Without Congressional action, a significant number of jobs would have been threatened by rules that were needlessly stringent, imposing regulatory burdens without significantly reducing actual risks to consumers. The new law is a pro-jobs, pro-consumer piece of legislation, and its enactment proves that Congress can come together in a bipartisan manner to enact common-sense changes to protect the American people.

### Delivering Results

On August 12, 2011, President Obama signed H.R. 2715 into law:

- Protects thousands of jobs
- Restores common sense to key elements of consumer product safety law
- Passed the House 421-2
- Passed the Senate unanimously

The CMT Subcommittee's oversight and accountability agenda includes a comprehensive review of emerging trends in online privacy and data security. The Subcommittee began its review of Internet privacy on July 14, convening a hearing jointly with the Communications and Technology Subcommittee that examined the current regulatory landscape. The hearing featured testimony from the Federal Trade Commission, the Federal Communications Commission, and the National Telecommunications and Information Administration.

Online privacy in the 21st century is a complex and ever-evolving public policy challenge. Before determining what, if any, steps Congress should take in this arena, the Subcommittee is carefully assessing how information is collected, protected, and utilized in an increasingly interconnected online ecosystem. The first step in that process was to review existing privacy regulations and standards to help identify key issues for discussion moving forward. Our jurisdictional reach allows us to do that in a holistic way.

The Subcommittee also held an important hearing to review the European Union's Data Privacy Directive, a baseline privacy standard upon which individual national online privacy laws are layered in Europe. The hearing revealed that the Directive has created a complex series of regulatory regimes that have proven difficult to navigate and present a number of challenges to U.S. companies. Research has shown the Directive harms commerce, stifles innovation, and ultimately hurts consumers. An analysis of MIT professor Dr. Catherine Tucker's research found that if the U.S. were to adopt an EU-style opt-in regime for Internet advertising, it would cost U.S. businesses \$33 billion over the next five years – costs that would ultimately be borne by consumers, including the loss of currently free services supported through advertising.

Internet privacy and consumer data protection will continue to be among the Subcommittee's priorities in the 112th Congress. Mary introduced legislation and advanced it through the Subcommittee to enhance the protection of personal information by establishing uniform national standards for data security and data breach notification. The bill – H.R. 2577, the Secure and Fortify Electronic (SAFE) Data Act – builds on legislation passed by the House in the last Congress and reflects the changing landscape of data security.

## Subcommittee on Communications and Technology

Chairman Greg Walden and Vice Chairman Lee Terry have continued to lead the Communications and Technology Subcommittee in an aggressive review of how the Federal Communications Commission (FCC) operates, and they have outlined a framework to improve it. Reforming this agency – considered in tandem with steps to advance spectrum reform to make better use of this valuable resource – is essential in our effort to promote an innovation economy.

Among the notable achievements of the Subcommittee in the third quarter is its successful effort to finally have the Fairness Doctrine wiped off the books and fully repealed. The FCC eliminated the Fairness Doctrine from the Code of Federal Regulations in August in response to calls from our team to abolish this dangerous federal intrusion once and for all. At our prodding, the FCC also announced it is striking 82 additional rules from the agency's books and has committed to comply with the recent Executive Order on Regulation and Independent Agencies. The Fairness Doctrine is a relic of an earlier era when government officials thought they knew best what news and information the American people wanted and needed. The rules were outdated and needlessly endangered our sacred freedoms of speech and the press. We can all be proud of this victory, which shows that aggressive oversight and public scrutiny of federal agencies can produce meaningful results.

Any communications policy reform can only be as effective as the agency responsible for implementing it. That is why the Subcommittee continues its pursuit of FCC process reform to promote transparency, efficiency, and economic common sense. To protect jobs by ensuring regulatory benefits outweigh the costs, the Subcommittee has reviewed draft legislation that would require the Commission to conduct an economic analysis of industries that would be affected by rules before initiating a new rulemaking. The draft proposal would prevent the Commission from imposing burdens on consumers or industry unless it first identifies a market failure and consumer harm justifying the burden. It would also ensure any conditions imposed on transactions are tailored to transaction-specific harms and within the Commission's general rule-making authority.

To promote transparency, fairness, and efficiency in the Commission's operations, the draft proposal reviewed by the Subcommittee would require the FCC to establish internal procedures for review and deliberation on pending orders, publication of orders before open meetings, initiation of items by bipartisan majorities, and minimum public comment periods. The draft also calls for "shot clocks" so that parties know how quickly they can expect action, and it would empower the Commission through sunshine reform, permitting three or more commissioners to meet for collaborative discussions so long as certain safeguards are in place.

Each of these proposed reforms was developed in response to the Subcommittee's oversight, which revealed flaws in the agency's current practices and procedures and concerns raised by regulated parties that the FCC is not transparent, predictable, or fair enough in its work.

### Delivering Results

On August 22, 2011, in response to GOP oversight and calls for action, the Federal Communications Commission announced elimination of the so-called Fairness Doctrine and 82 other obsolete rules:

- May 31, 2011: Chairmen Upton and Walden call on FCC Chairman Genachowski to eliminate Fairness Doctrine and related rules
- June 8, 2011: Chairmen Upton and Walden press FCC for date certain of Fairness Doctrine repeal and urge compliance with executive order on regulatory relief to eliminate other antiquated rules that stifle investment and harm innovation

The Subcommittee has been exemplary in its effort to reach across the aisle and pursue principled reforms through bipartisan collaboration. Greg identified spectrum reform early in the 112th Congress as an avenue to promote innovation and investment, spur the creation of hundreds of thousands of jobs, and expand broadband access for Americans. He has held a comprehensive series of hearings on a wide range of issues surrounding the reallocation of spectrum and continues making progress on a package of reforms that should soon advance.

## Subcommittee on Energy and Power

Energy and Power Subcommittee Chairman Ed Whitfield and Vice Chairman John Sullivan remain at the forefront of House Republican efforts to promote secure American energy, protect and create jobs, and provide regulatory relief from agencies that are recklessly putting jobs and our nation's energy supplies at risk.

### Delivering Results

Bipartisan bills originating in the Energy and Commerce Committee approved by the full House:

- H.R. 910, the Energy Tax Prevention Act
- H.R. 1938, the North American-Made Energy Security Act
- H.R. 2021, the Jobs and Energy Permitting Act
- H.R. 2401, the Transparency in Regulatory Analysis of Impacts on the Nation Act

Bipartisan bills approved by the Energy and Commerce Committee awaiting a House vote:

- H.R. 2250, the EPA Regulatory Relief Act
- H.R. 2681, the Cement Sector Regulatory Relief Act
- H.R. 2937, the Pipeline Infrastructure and Community Protection Act

Majority Leader Cantor outlined a bold fall agenda focused on job creation through common-sense regulation. I am proud that a majority of the bills included on that agenda have originated here in the Energy and Commerce Committee, many of them through the Energy and Power Subcommittee. This panel continues its track record of bipartisan accomplishment, producing a string of vital bills that will protect job creators and promote sensible, practical, and achievable regulation.

Already, the House has approved H.R. 2401, the Transparency in Regulatory Analysis of Impacts on the Nation (TRAIN) Act. John's bill garnered a strong bipartisan vote of 249-169 last month and has drawn widespread support among job creators concerned about the consequences of numerous imminent and recently enacted EPA rules and the fact that the executive branch has no idea how these rules together will affect jobs, energy prices, global competitiveness, or electric reliability.

The TRAIN Act requires an interagency committee to analyze the cumulative economic impacts of certain EPA rules – the bill is based on the simple notion that policymakers and regulators should understand the consequences of their actions. Congratulations to Ed for offering a successful floor amendment relating to two of the costliest new rules

affecting our nation's power sector—the Utility MACT rule and the Cross-State Air Pollution Rule. EPA will be required to continue the current Clean Air Interstate program to achieve further emissions reductions, and to re-propose the Utility MACT rule to ensure it is achievable in the real world. As approved by the House, the TRAIN Act provides much-needed regulatory relief to America's power sector and will ensure American families can keep the lights on. Versions of these two rules have been estimated to cost \$17.8 billion annually and 1.4 million job-years by 2020.

As I share these accomplishments with you, the House is preparing this week to vote on two more bills originating in the Subcommittee: the EPA Regulatory Relief Act (H.R. 2250)

introduced by Rep. Morgan Griffith, and the Cement Sector Regulatory Relief Act (H.R. 2681) introduced by Vice Chairman Sullivan. These important bills continue our drive to support sensible regulation. Both proposals – which have drawn strong bipartisan support – call on EPA to reissue regulations that would unnecessarily put jobs at risk. These regulatory relief bills extend the timeframe for EPA to issue the regulations, as well as the time period in which affected facilities must comply. The bills also require EPA to issue the rules in a way that will make them achievable for facilities in the real world. These bills are designed to prevent the plant closures and higher prices for consumers that would result from the EPA’s current rules. And – very importantly for the 112th Congress – they, too, will be considered under free and open rules on the House floor.

On the oversight front, the Subcommittee deserves particular commendation for its inquiry into the reliability of our nation’s electric grid and the consequences of EPA rules for Americans’ ability to keep the lights on. Dating back to May, the Subcommittee has been seeking information from the Federal Energy Regulatory Commission (FERC), the Department of Energy, and the Environmental Protection Agency about how EPA’s power sector rules will affect the electric power sector. The Subcommittee was particularly concerned about an apparent lack of coordination between FERC – which is the federal agency responsible for ensuring reliability – and the agencies imposing rules that will significantly reduce electric supplies.

The Subcommittee held a hearing with all five FERC commissioners on September 14 to probe the Commission’s finding that EPA rules were likely to force up to 81 gigawatts to retire – that is equal to 8 percent of all electric generating capacity in the country and 25 percent of the coal-fired fleet. In fact, the FERC analysis projected that EPA’s power sector rules could lead to much greater electric supply losses, with the possibility that retirements could equal 131 GW. The Subcommittee’s work in this area will continue in the coming months, as our initial review has revealed troubling findings about this vital element of our national infrastructure.

Let me close with a note on the great work of this Subcommittee that is of personal importance to me. The full Energy and Commerce Committee recently approved H.R. 2937, the Pipeline Infrastructure and Community Protection Act, with a 52-0 vote. I wrote H.R. 2937 with our Chairman Emeritus and my fellow Michigander John Dingell, and I appreciate the Subcommittee’s work on the legislation as a key component of our efforts to expand American energy production and ensure its safe transport across the country. A unanimous vote for this legislation demonstrates our panel’s ability to come together – each and every bill that has moved through the Energy and Power Subcommittee has attracted a measure of bipartisan support, and I am pleased that our pipeline safety efforts are no exception.

## **Subcommittee on Environment and the Economy**

Led by Chairman John Shimkus and Vice Chairman Tim Murphy, the Environment and the Economy Subcommittee remains a crucial player in the GOP effort to hold federal agencies accountable to taxpayers and promote a government that works. The Subcommittee’s Yucca Mountain inquiry, in conjunction with the Oversight and Investigations team, revealed dysfunction at the Nuclear Regulatory Commission and has prompted serious questions about the long-term prospects for nuclear waste storage. At the same time, the Subcommittee is playing a major role in our broader regulatory review – the panel advanced bipartisan legislation that will be a part of the Majority Leader’s fall jobs agenda, and it held an important hearing about how regulations affect jobs and the economy.

On July 13, the Full Committee approved H.R. 2273, the Coal Residuals Reuse and Management Act. The bipartisan vote was the culmination of months of negotiation and oversight in the Subcommittee to stave off the significant economic harm that would come from EPA’s effort to impose heavy-handed regulations for coal combustion residuals.

The legislation that originated in the Subcommittee and will receive a full House vote this fall, authored by our own Rep. David McKinley, will provide an appropriate regime for the safe management and disposal of coal combustion residuals, while also encouraging investment in recycling and beneficial reuse. The legislation is necessary to prevent EPA's plans to classify coal ash as a hazardous material despite the findings of previous administrations and scientific studies that such a classification would be inappropriate. H.R. 2273 breaks new ground in modern environmental regulation by establishing clear national standards for material management but assuring that the states have primacy in crafting and enforcing the regulations to implement the standards.

Coal ash is widely used in construction products such as cement, concrete, wallboard, and roofing materials. The EPA's misguided plan to regulate coal ash under Subtitle C of the Solid Waste Disposal Act would stigmatize this material, threatening jobs and the affordability of electricity. One analysis shows the administration's regulatory plan could result in job losses totaling over 300,000. The Subcommittee identified this dangerous regulatory proposal and conducted oversight to determine what the consequences would be. This is a prime example of how strong oversight and a commitment to holding agencies accountable can produce sound policy alternatives.

### **Delivering Results**

This fall, the House will vote on H.R. 2273, the Coal Residuals Reuse and Management Act:

- Protects as many as 316,000 jobs put at risk by EPA proposals to add layers of new federal regulation for coal ash
- Approved by the full Energy and Commerce Committee with a bipartisan vote of 35-12
- Included in Majority Leader Cantor's fall jobs agenda targeting the Top 10 Job-Destroying Regulations

The Subcommittee was established in the 112th Congress based on the simple premise that protecting our environment and protecting jobs are not mutually exclusive goals. The Subcommittee has consistently demonstrated that regulations are not inherently bad, but that irresponsible regulation that ignores our economy is the real danger. On July 14, the Subcommittee held an important hearing on "Regulatory Chaos: Finding Legislative Solutions to Benefit Jobs and the Economy."

The hearing featured testimony from the U.S. Chamber of Commerce, the National Association of Manufacturers, the National Federation of Independent Business, and the American Farm Bureau Federation to explain the real-life consequences of regulations on industry and American consumers. An emerging consensus shows that clarity and balance must be restored to the regulatory process. While President Obama's January Executive Order on regulatory reform sent a positive signal, the Subcommittee's work reveals that agencies are not fulfilling that basic call for cost-benefit analysis and adherence to the least burdensome approach to rulemaking. The Subcommittee will continue holding agencies accountable for the consequences of their regulations in the coming months, and members will explore reforms that could improve and harmonize our environmental and economic concerns.

## **Subcommittee on Health**

The Patient Protection and Affordable Care Act – now headed to the U.S. Supreme Court for Constitutional review – remains among the most controversial pieces of legislation ever enacted, and swirling unanswered questions make it vital for Congress to conduct rigorous oversight. Health Subcommittee Chairman Joe Pitts and Vice Chairman Dr. Michael Burgess have been pillars in recognizing the imperative of health care accountability, and they have convened hearings and produced legislation to protect taxpayers and reveal the real consequences of a this disastrous law. At the same time, the Subcommittee is maintaining its historical

commitment to public health laws by examining the Food and Drug Administration with an eye toward next year's efforts to strengthen the medical device and prescription drug review processes.

For instance, the Subcommittee's oversight and accountability agenda includes hearings on the increasing challenge of drug shortages, America's global leadership in medical devices, and key elements of the president's health care law. The Subcommittee scrutinized the Independent Payment Advisory Board (IPAB), a controversial panel of bureaucrats established in the health care law that will have the power to make recommendations for significant program

## Delivering Results

The Health Subcommittee is preparing to strengthen the Food and Drug Administration's review and approval process for medical devices. The Committee has already held a series of hearings and an innovative forum engaging the public through social media:

- February 17, 2011: Health Subcommittee Hearing on the Impact of Medical Device Regulation on Jobs and Patients
- July 20, 2011: Oversight and Investigations Subcommittee Hearing on FDA Medical Device Regulation: Impact on American Patients, Innovation, and Jobs
- September 20, 2011: House Republicans' Jobs and Innovation Forum, Focus on Medical Devices
- September 26, 2011: Health Subcommittee Field Hearing on the Impact of Medical Device and Drug Regulation on Innovation, Jobs, and Patients: A Local Perspective

cuts that could threaten the treatments and physicians available to American patients. Although the IPAB has drawn bipartisan criticism, the Obama administration doubled down on the plan, giving it even greater authority to call for Medicare cuts that could mean fewer services for seniors.

The Subcommittee also took a close look at two controversial regulations contained in the health care law: the "grandfather" regulations and the medical loss ratio rules. Both aspects of the law – and the approach HHS has taken to implement them – will break the president's promises that "if you like your current plan, you will be able to keep it." Regulations promulgated by HHS are projected to take away those grandfathering protections from 87 million Americans who receive their health care coverage through an employer. Addressing those regulations in order to protect Americans' existing health care coverage is among the regulatory relief proposals slated for consideration in the full House later this fall, and the Health

Subcommittee will play an integral role in developing policies to allow those who like their coverage to keep it.

Another important aspect of the Subcommittee's work this year, and particularly in the most recent three months, is its effort to lay a foundation for improving the medical device review and approval process next year. Medical device development and manufacturing is a great American success story; we have historically been the home to significant innovation, investment, and technological breakthroughs that benefit patients and create good-paying jobs. However, America's leadership role is fading because of regulatory hurdles that have significantly slowed the ability of inventors to bring life-saving and life-improving products to market.

The Subcommittee provided support for the first-ever Jobs and Innovation Forum earlier this month, and the focus was the innovation that surrounds the medical device field. This unique event, hosted by Rep. Cathy McMorris Rodgers, brought the medical device industry together with Members of Congress – and the American public, through social media – to discuss the challenges and opportunities to restore America's leadership position. The Subcommittee this year held a pair of hearings on this important issue, including a recent field hearing that featured compelling testimony about how medical devices can improve patients' lives, yet many devices are only available overseas because the U.S. approval process is

lagging behind. The Oversight and Investigations Subcommittee also contributed to this review, with a hearing that featured real stories from patients and inventors who have faced the consequences of a broken FDA review process.

While oversight is an essential component of the Subcommittee's work, its legislative accomplishments are notable as well. The panel has consistently worked to advance public health priorities. In late July, the Full Committee approved – by voice vote – three important bills: H.R. 2405, the Pandemic and All-Hazards Preparedness Reauthorization Act; H.R. 1254, the Synthetic Drug Control Act; and H.R. 1852, the Children's Hospital Graduate Medical Education Support Reauthorization Act.

As the third quarter came to a close, President Obama signed into law the Combating Autism Reauthorization Act – a law first signed by President George W. Bush, with Chairman Emeritus Joe Barton's leadership. That legislation continues the important work to understand and seek a cure for autism spectrum disorders. This program has consistently drawn bipartisan support as a successful tool to address an issue that affects millions of American families, and that is why it was important for Congress to come together to prevent it from expiring. This Republican Congress is focused on results, and the extension of this program is a tangible example that we can come together on shared priorities.

These achievements build on the bipartisan bills spearheaded by the Subcommittee earlier in the year, a record of accomplishment that proves Congress can focus on oversight, accountability, and legislative progress simultaneously.

## **Subcommittee on Oversight and Investigations**

In a quarter in which the entire Energy and Commerce team was focused on rigorous oversight, the Oversight and Investigations Subcommittee shined. Chairman Cliff Stearns worked in tandem with the other Subcommittees to identify a host of critical issues that merit Congressional review and oversight, and numerous hearings and investigations unearthed significant questions about whether the taxpayers are being adequately protected. Our unique Subcommittee membership system brings the Vice Chairs from each of the other five Subcommittees to O&I to provide their expertise and policy understanding in support of the broader oversight and accountability agenda – a structure delivering especially productive oversight results this year.

The Big Headline: The Subcommittee's investigation into the ill-fated \$535 million loan guarantee to Solyndra began in February of this year, long before national headlines blared this stunningly bad bet for taxpayers. Although our inquiry was initially met with skepticism and stonewalling by the administration and the Committee minority, the Subcommittee's dogged pursuit of the facts revealed that significant red flags were ignored as this loan guarantee was rushed out the door to coincide with a public relations campaign by the White House to sell the American people on a so-called stimulus success story. Because the Committee was repeatedly stonewalled by the White House, the Department of Energy, the Office of Management and Budget, and Solyndra itself, the Subcommittee was forced to issue a subpoena, over the objection of all eight Subcommittee Democrats. The Subcommittee will not hesitate to use the full range of oversight tools at its disposal to demand answers on behalf of the American people.

Emails and documents secured through our investigation show that the Bush administration put the brakes on the Solyndra loan guarantee in January 2009 because of unresolved questions about the financial risk. The Obama administration quickly restarted consideration of the loan after taking office, and granted approval in time for the vice president to participate via telecast in a groundbreaking for the new facility. The administration restructured the Solyndra loan in 2011 as our investigation was ongoing, taking the unusual (and illegal) step of sending taxpayers to the back of the line and putting investors up front to collect any proceeds if Solyndra were to go bankrupt. Unfortunately, the company went bankrupt anyway, and the taxpayers stand to lose a half-billion dollars due to the administration's reckless push to grant the loan guarantee – an effort that continued in spite of repeated warnings

that Solyndra's shaky financial condition was not worth the risk to taxpayer funds. The Subcommittee's investigation into this bungled loan continues, and clearly many questions remain unanswered. Shortly after the bankruptcy announcement, the Federal Bureau of Investigation raided Solyndra facilities, and several federal agencies have now followed our lead and opened inquiries into how administration officials could have missed the warning signs about this company and the risk it posed to taxpayers.

While Solyndra has drawn a great deal of attention, the Subcommittee's oversight efforts have not been limited to that one company or the program that funded it. The Subcommittee launched a Regulatory Reform series of hearings that concluded in September with testimony from EPA Administrator Lisa Jackson about the litany of rules issued by the agency. The Subcommittee began the 112th Congress by calling in Cass Sunstein, the Obama administration's regulatory czar, to answer questions about the promises of regulatory relief and a pledge to only regulate when necessary, and with the least burden. Since that time, the Subcommittee has called in agency after agency to determine whether and how they are complying with the president's pledge. The Subcommittee has shined a light on numerous costly new regulations which continue to be proposed and finalized, and jobs remain at risk because of the administration's regulatory onslaught.

The Subcommittee is launching a new series of hearings in the coming months to scrutinize the president's promise to go through the federal budget "line-by-line" to cut obsolete programs and eliminate wasteful or unnecessary spending in a time of record debt and deficits. The Subcommittee commenced its review with a series of letters to agencies asking for information on their budget review efforts, and will examine their responses in hearings throughout the fall.

Oversight has been a driving force behind our overall Committee agenda, and the Subcommittee's work in the last quarter spanned a broad range of issues. It included a review of cybersecurity and risks to critical infrastructure; a hearing that added to the growing body of evidence about challenges in the FDA's medical device review and approval process; a continuation of the inquiry into the closed-door meetings that led to development of the controversial health care law; additional questions about the unsolved mystery of

## Delivering Results

The Oversight and Investigations Subcommittee has opened inquiries into a range of key issues and is responsible for uncovering the growing Solyndra scandal and what it means for American taxpayers. Here is just a sampling of the Subcommittee's investigations in the 3<sup>rd</sup> quarter:

- The Department of Energy's \$535 million loan guarantee to now-bankrupt Solyndra
- New revelations that warnings about CLASS program's financial weaknesses were ignored
- The Obama administration's raid of Gibson Guitar, the iconic U.S. manufacturer
- The Obama administration's Executive Order on regulatory reform
- Vulnerabilities in the nation's critical infrastructure to cyber threats
- The consequences of delays in the FDA medical device approval process

tainted heparin that killed U.S. patients; and revelations that taxpayers are being forced to spend millions of dollars on foreign environmental grants like the “Breathe Easy, Jakarta” initiative. The Subcommittee was also instrumental in the development of “CLASS’ Untold Story: Taxpayers, Employers, and States on the Hook for Flawed Entitlement Program” – a report detailing the insolvency of a massive new entitlement program included in the health care law. The Subcommittee’s work on behalf of taxpayers has been far-reaching, and will continue to follow the evidence wherever it may lead in the effort to demand accountability for the American people.

## **Conclusion**

Membership on the U.S. House Energy and Commerce Committee is a privilege: we get to consider virtually all of the issues of the day. And we sure have over the last three months.

Along with that, we have huge responsibility. You all have met that challenge in an outstanding way. Thank you for continued hard work, long hours, and contributions to securing American jobs, revitalizing the economy, and preserving American freedom.

Our work is not over. Let’s make the Fourth Quarter the best ever!